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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,174	10/05/2005	Matthias Fischer	56103/DBP/M521	6501
23363	7590	06/26/2008	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			STERLING, AMY JO	
PO BOX 7068			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,174	<b>Applicant(s)</b> FISCHER ET AL.
	<b>Examiner</b> AMY J. STERLING	<b>Art Unit</b> 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 08 May 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 26,27 is/are allowed.

6) Claim(s) 1-19 and 22-24 is/are rejected.

7) Claim(s) 20,21 and 25 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/908b)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

This is a non-final Office Action for application number 10/552,174

LONGITUDINAL GUIDING ELEMENT FOR MOTOR VEHICLE SEAT, filed on 10/5/05.

Claims 1-27 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/8/08 has been entered.

#### ***Claim Rejections - 35 USC § 102***

Claims 1-16, 18-21 and are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2549902 to Hibbard et al.

Hibbard et al. teaches a foldable backrest (56, 24) having two positions, one that supports an occupant upright and a second that supports an occupant in a forward position and a longitudinal guiding element having a pair of one-piece first guide elements (10) and a pair of one-piece second two guide elements (28) mounted side by side horizontally across the seat longitudinal direction and form an inner guide element and an outer guide element on each of the two longitudinal sides of a motor vehicle

seat, the guide elements which are displaceable and extended relative to each other in the seat longitudinal direction between a first end position and a second end position both have a guiding device (pins and slots) by which the one guide element is displaced in the seat longitudinal direction relative to the other guide element wherein the guiding device comprises two sliding guides (48, 54) mounted one behind the other in the seat longitudinal direction and the first guide element (10) having a guiding slide (54) and a guiding pin (52, 50 front) guided in the guiding slide wherein the second guide element is formed by a guiding pin (52, 50 rear) provided on the one rail and a guiding slide provided on the other rail, and wherein each guiding pin is supported in an associated guiding slide along a horizontal axis perpendicular to the seat longitudinal direction, whereby the distance between the two guiding pins changes when the two guide elements are displaced relative to each other, wherein the first guiding slide and the second guiding slide each extend between a front stop in the rail longitudinal direction and a rear stop in the rail longitudinal direction wherein the stops restrict movement of the guiding pins in the guiding slides wherein in one end position of the two guide elements the guiding pin of a front sliding guide in the seat longitudinal direction bears against the front stop of the guiding slide and the guiding pin of a rear sliding guide in the seat longitudinal direction bears against the rear stop of the guiding slide and wherein in the other end position of the two guide elements the guiding pin of the front sliding guide in the seat longitudinal direction bears against the rear stop of the guiding slide and the guiding pin of the rear sliding guide in the seat longitudinal direction bears against the front stop of the guiding slide and wherein each guiding pin is supported at

an edge of an associated guiding slide along a horizontal transverse direction perpendicular to the seat longitudinal direction.

Hibbard et al. also wherein the one end position of the guide elements corresponds to a useful position of the seat in which this is provided for use by a vehicle passenger, and that the other end position of the guide elements corresponds to a displaced position of the seat in which this is not provided to receive a vehicle occupant, and wherein one guide element is provided to receive an upholstery (34) carrier of a motor vehicle seat and the other guide element is provided for fixing on a structural assembly fixed on a floor of the motor vehicle and a locking device (thumbscrews can be tightened to lock the guide) is provided for locking the guiding device in at least one seat longitudinal position, wherein the two guide elements are supported against one another at an edge of each guiding slide along a horizontal transverse direction perpendicular to the seat longitudinal direction, wherein in each guiding slide there is a slider with a support face for supporting at least one of an associated guiding pin and the other guide element, wherein the support faces enable a support in two oppositely aligned directions along the vertical axis and a support in two oppositely aligned directions along the horizontal axis perpendicular to the seat longitudinal direction, wherein, each slider extends with at least one part of a slide region in the seat longitudinal direction only over a part of an extension of an associated guiding slide.

***Claim Rejections - 35 USC § 103***

Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2549902 to Hibbard et al.

Although Hibbard et al. does not specifically teach that the sliders are made from plastic or that the guide elements and the guiding pins are made of metal, but it would be obvious to one of ordinary skill in the art to have made these elements in this manner because plastic and metal are well known materials, used in the art for their versatility and strength and the use of such has a predictable result. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

***Response to Arguments***

The applicant's arguments have been considered . Although the same reference has been used, the rejection has been significantly changed to reflect a different defined guide elements that are one-piece.

***Allowable Subject Matter***

Claims 26 and 27 are allowed.

Claims 20, 21 and 25 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

The reason is that the prior art does not teach wherein the guiding pins in the first end position of the guide elements are not supported on the associated sliders along the vertical axis and wherein each guiding slide tapers in an end section which is free of a slide region of an associated slider in order to provide a continuous smooth transition between the slide region and the end section of the guiding slide and an unlocking element and that the unlocking element is only accessible for unlocking the locking device when the backrest is folded forwards and wherein the backrest is lockable in its forward folded position and that the backrest can only then be released for raising back up into its upright position when the longitudinal guiding element of the seat is located in the useful position.

***Conclusion***

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

/Amy J. Sterling/

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Primary Examiner

6/26/08